

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK

WADHAH MUKBEL,

Plaintiff,

v.

MAERSK LINE, LTD,

Defendant.

Case No.:

Honorable

Magistrate

COMPLAINT

NOW COMES Plaintiff, WADHAH MUKBEL, by and through counsel undersigned, O'Bryan Baun Karamanian, complaining against Defendant as follows:

1. Jurisdiction and venue lie in this action, Defendant conducting business within this forum's boundaries.
2. Subject Matter and Federal Question (28 USCA 1331) jurisdiction founded under the Jones Act (46 USCA 30104) for negligence, and under the general maritime law for unseaworthiness, maintenance, and cure.
3. At all times material to issues herein Plaintiff was employed by Defendant as a crewmember aboard its vessels, including the M/V Maersk Durban ("the vessel"), with all acts and/or omissions giving rise to this action occurring within the course of Plaintiff's employment in the service of his ship.

COUNT I

JONES ACT NEGLIGENCE AND UNSEAWORTHINESS

4. On or about June 1, 2023, the vessel called on the port of Iskendrun Harbour, Turkey, an area which had been recently devastated by earthquake. The vessel was berthed at a

quay strewn with earthquake and construction debris, without providing an adequate and safe means of egress and ingress for the crew. After receiving leave, and orders when to return to report for duty aboard the vessel, plaintiff departed the vessel to acquire various personal sundries for the extended next leg of the vessel's voyage. When plaintiff attempted to return and board the vessel along the customary route, he was confronted with unavoidable debris and tripping hazards causing him to trip, fall, and sustain injury, as a direct result of the described negligence of Defendant, the unseaworthiness of the vessel, and Defendant's failure to provide a safe place to work.

COUNT II

MAINTENANCE AND CURE

5. When on June 1, 2023, Plaintiff experienced injury while employed in the service of the vessel, Defendant as vessel owner and employer became burdened with the non-delegable duty to provide prompt, timely, and competent medical evaluation, treatment, and cure, regardless of whether Plaintiff requested it.

6. Despite having notice and knowledge that Plaintiff had sustained serious injury, Defendant breached its non-delegable duty, and failed to provide prompt, timely, and competent medical care and cure; providing incompetent and inadequate medical evaluation, care and cure; and delayed providing Plaintiff necessary, appropriate, and competent care and cure resulting in exacerbation, prolongation, and aggravation of Plaintiff's initial injuries, and further, new injury and onset of complicating conditions in violation of its General Maritime Law and Jones Act obligations.

DAMAGES

7. Defendant's tortious acts aforesaid caused or contributed to Plaintiff's damages,

inter alia, as follows:

- a. Pain and suffering, past future.
- b. Mortification, humiliation, fright shock and embarrassment.
- c. Loss of earnings and earning capacity.
- d. Hospital, pharmaceutical and other cure expenses.
- e. Aggravation of prior condition, if any there be.
- f. Inability to engage in social, recreational, and other pursuits previously enjoyed.
- g. Mental anguish.
- h. Found.
- i. Maintenance, cure, punitive damages, and/or attorney fees.

WHEREFORE, Plaintiff demands trial by jury and judgment against Defendant, together with interest, costs, attorney fees and expenses, all to be methodically adjusted upwards during the pendency of this cause.

Respectfully submitted,

O'Connor, Parsons Lane & Noble, LLP

/s/R. Daniel Bause, Esq.

R. Daniel Bause, Esq.

LR 83.1 Counsel

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and

O'Bryan Baun Karamanian

/s/ Gary Wm. Baun (w/permission)

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DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, Wadhah Mukbel by and through counsel undersigned, O'BRYAN BAUN KARAMANIAN, and hereby demands trial by jury in the above-referenced cause of action.

Respectfully submitted,

O'Connor, Parsons Lane & Noble, LLP

/s/R. Daniel Bause, Esq.

R. Daniel Bause, Esq.
LR 83.1 Counsel
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/s/ Gary Wm. Baun (w/permission)

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